

FILE COPY

STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST:

GLEN M. WITTER,
A/K/A GLEN WITTER REALTY
& SECURITY SELL YOUR OWN
F/K/A WAUSAU, INC.
RESPONDENT.

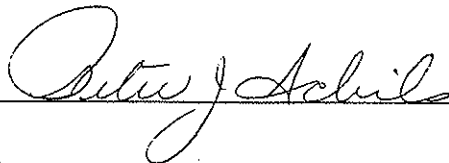
FINAL DECISION
AND ORDER

The State of Wisconsin, Real Estate Board, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of Complainant, makes the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by Complainant's attorney, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Real Estate Board. Let a copy of this Order be served on Respondent by certified mail.

Dated this 6TH day of DECEMBER, 1990.



HES:bmg
ATY-1326

STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

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GLEN M. WITTER,
A/K/A GLEN WITTER REALTY
& SECURITY SELL YOUR OWN
F/K/A WAUSAU, INC.
RESPONDENT.

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PROPOSED DECISION AND ORDER
89 REB 085

The parties to this proceeding for the purpose of Wis. Stats., sec. 227.53 are:

Glen M. Witter
221 Stewart Avenue
Wausau, WI 54401

State of Wisconsin
Real Estate Board
1400 East Washington Avenue, Room 181
P.O. Box 8935
Madison, WI 53708

Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Avenue, Room 183
P.O. Box 8935
Madison, WI 53708

The parties to the above-captioned matter have executed a Stipulation executed by Respondent Witter, his Attorney James P. Lonsdorf, and by Henry E. Sanders, Attorney for Complainant. A copy of this Stipulation is attached hereto and made a part hereof, and is incorporated into Complainant's Attorney's Proposed Decision and Order, and the Final Decision of the Board as if fully set forth therein.

Based upon the Stipulation, the Pleadings and other documents of record herein, Complainant's Attorney recommends that the Real Estate Board accept as its Final Decision the following Findings of Facts, Conclusions of Law and Order which are the terms agreed upon and stipulated to by the parties. Should the Board fail to accept this Proposed Decision as its Final Decision in the matter, then pursuant to Wis. Adm. Code sec. 2.12, the case shall be remanded to the parties for further proceedings. In such event, the Board is requested to notify the parties of the basis for the Board's failure to adopt the Proposed Decision.

FINDINGS OF FACT

1. Respondent Glen M. Witter (Witter), of 221 Stewart Avenue, Wausau, WI 54401, was at all time material to the complaint licensed as a Real Estate

Broker, and has been so licensed under the provisions of Ch. 452, Wis. Stats., since April 18, 1979. Respondent was formerly licensed as Wausau Inc., and is also known as Glen Witter Realty.

a. Respondent is also presently known as Security Sell Your Own.

2. In early 1988, the State Department of Industry, Labor and Human Relations (DILHR), undertook an audit of several real estate transfer returns listing Respondent as grantee under sec. 101.122, Stats., "Rental Unit Energy Efficiency", provisions, which disclosed Respondent's use of a questionable exclusion code.

a. DILHR alleged that Respondent had improperly used an exclusion code (W-10), or left the code space blank, since January 1, 1985.

3. DILHR notified Respondent of the above, listed the four (4) properties involved, and requested a full explanation for use of the exclusion code used, by letter dated February 22, 1988, to Respondent.

4. Respondent responded to DILHR by letter dated March 1, 1988, and gave an explanation and promised compliance, in pertinent part. Respondent followed up to a telephone conversation with DILHR by letter dated March 25, 1988, admitting his mistake, and provided that he anticipated bringing the subject properties into compliance by the end of April (1988).

5. Respondent failed to provide proof to DILHR that the properties were in compliance by May 23, 1988, and Respondent was ordered to bring the buildings into compliance within sixty (60) days of his receipt of the letter.

6. By August 25, 1988, Respondent had still failed to bring the subject properties into compliance or provide proof of compliance, and the matter(s) were referred to DILHR's General Counsel, Howard Bernstein.

7. Subsequently, Wisconsin's Department of Justice drafted or caused to have drafted and filed against Respondent, a Summons and Complaint dated November 28, 1988, and thereafter, the matter was referred to this department.

CONCLUSIONS OF LAW

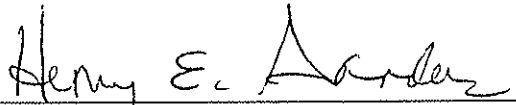
1. The Real Estate Board has jurisdiction in this matter pursuant to Wis. Stats., sec. 452.14.

2. Respondent has, by virtue of the above enumerated facts, is deemed to have violated sec. RL 24.17(1), Wis. Adm. Code, violated any law the circumstances of which substantially relate to the practices of a real estate licensee, and violated sec. RL 24.01(3), code, demonstrated incompetency to act as a real estate licensee in such manner as to safeguard the interests of the public, within the meaning of sec. 452.14(3)(i), Stats.

ORDER

NOW, THEREFORE, IT IS ORDERED that Respondent Witter is reprimanded.

Dated at Madison, Wisconsin this 23rd day of October, 1990.


Henry E. Sanders
Complainant's Attorney

HES:bmg
ATY-1265

STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST:	:	
	:	STIPULATION
GLEN M. WITTER,	:	89 REB 085
A/K/A GLEN WITTER REALTY	:	
& SECURITY SELL YOUR OWN	:	
F/K/A WAUSAU, INC.	:	
RESPONDENT.	:	

Respondent Glen M. Witter, A/K/A Glen Witter Realty & Security Sell Your Own, and F/K/A Wausau, Inc., his attorney James P. Lonsdorf, and Complainant's Attorney Henry E. Sanders, having reached agreement for disposition of the above-captioned matter, stipulate and agree as follows.

1. This Stipulation shall be submitted to the Real Estate Board (Board) for approval and disposition of this matter. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by any of the provisions of this Stipulation.

2. Respondents understand and Complainants' attorney agrees that the Findings of Fact, Conclusions of Law and Order are solely the facts as set forth in this Stipulation, and that all other facts, allegations and charges set forth in the Complaint on file herein, unless specifically incorporated into this Stipulation are withdrawn.

3. Respondents have been advised of his right to a public hearing on each and every allegation in this matter but hereby freely and voluntarily waives his right to a public hearing in this matter, on the condition that all provisions of this Stipulation be acceptable to and approved by the Real Estate Board.

4. Respondent Glen M. Witter (Witter), of 221 Stewart Avenue, Wausau, WI 54401, was at all time material to the complaint licensed as a Real Estate Broker, and has been so licensed under the provisions of Ch. 452, Wis. Stats., since April 18, 1979. Respondent was formerly licensed as Wausau Inc., and is also known as Glen Witter Realty.

a. Respondents are also presently known as Security Sell Your Own.

5. In early 1988, the State Department of Industry, Labor and Human Relations (DILHR), undertook an audit of several real estate transfer returns listing Respondent as grantee under sec. 101.122, Stats., "Rental Unit Energy Efficiency," provisions, which disclosed Respondent's use of a questionable exclusion

code.

- a. Petitioners alleged that Respondent had improperly used an exclusion code (W-10), or left the code space blank, since January 1, 1985.

6. DILHR notified Respondents of the above, listed the four (4) properties involved, and requested a full explanation for use of the exclusion code used, Exhibit "A" letter dated February 22, 1988, to Respondent.

7. Respondents responded to DILHR by letter dated March 1, 1988, Exhibit "A1," and gave an explanation and promised compliance, in pertinent part. Respondents followed up to a telephone conversation with DILHR by letter dated March 25, 1988, Exhibit "A2," admitting his mistake, and provided that he anticipated bringing the subject properties into compliance by the end of April (1988).

8. Respondent failed to provide proof to DILHR that the properties were in compliance by May 23, 1988, Exhibit "A3," and Respondent was ordered to bring the buildings into compliance within sixty (60) days of his receipt of the letter although Respondent did ultimately comply with DILHR requirements.

9. By August 25, 1988, Respondent had still failed to bring the subject properties into compliance or provide proof of compliance, and the matter(s) were referred to DILHR's General Counsel, Howard Bernstein, Exhibit "A4."

10. Subsequently, Wisconsin's Department of Justice drafted or caused to have drafted and filed against Respondent, a Summons and Complaint dated November 28, 1988, Exhibits "A6-A7."

11. Petitioners therefore contend that by virtue of the above-enumerated facts, Respondent violated sec. RL 24.17(1), Wis. Adm. Code, violated any law the circumstances of which substantially relate to the practices of a real estate licensee in such a manner as to safeguard the interests of the public, within the meaning of sec. 452.14(3)(i), Stats.

12. Based upon the above-enumerated facts and in settlement of this matter, Respondents hereby agree not to contest a reprimand. It being their position that he willingly does so realizing the uncertainty and cost of the hearing.

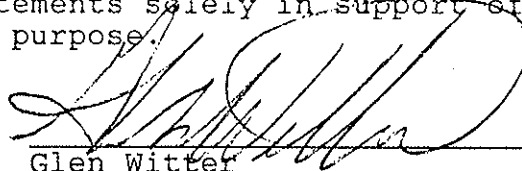
13. As basis in mitigation and for acceptance of this agreement, the Board is advised that Respondent affirmatively maintains that he has never had a complaint filed against him previously, that he misunderstood the DILHR interpretation on the weatherization requirements; that upon receiving compliance noticed from DILHR, he forthwith had a DILHR inspector inspect the subject properties for a determination of what was required

to be done to bring them up to required standards, that they hired persons to bring the properties into compliance but, those persons never completed the work timely, with Respondents being dilatory in not informing DILHR of same. See Exhibits "B-B5," Certificates of Compliance, attached hereto reflecting compliance dates.

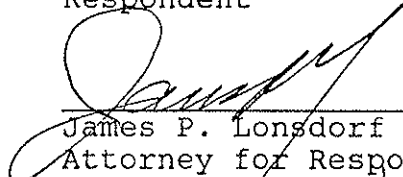
14. Respondents and Complainant's attorney agree that this Stipulation may be incorporated into the Complainant's Attorney's Proposed Decision and Order and the Final Decision of the Board as if fully set forth therein.

15. Respondents further agree that Complainant's attorney, Henry E. Sanders, may appear at any closed deliberative meeting of the Board with respect to the Stipulation, but that appearance is limited to statements solely in support of the Stipulation and for no other purpose.

9/27/90
Date


Glen Witter
Respondent

9/27/90
Date


James P. Lonsdorf
Attorney for Respondent

10/4/90
Date


Henry E. Sanders
Attorney for Complainant

STATE OF WISCONSIN
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F/K/A WAUSAU, INC.
RESPONDENT.

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: STIPULATION
: 89 REB 085
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Respondent Glen M. Witter, A/K/A Glen Witter Realty & Security Sell Your Own, and F/K/A Wausau, Inc., his attorney James P. Lonsdorf, and Complainant's Attorney Henry E. Sanders, having reached agreement for disposition of the above-captioned matter, stipulate and agree as follows.

1. This Stipulation shall be submitted to the Real Estate Board (Board) for approval and disposition of this matter. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by any of the provisions of this Stipulation.

2. Respondents understand and Complainants' attorney agrees that the Findings of Fact, Conclusions of Law and Order are solely the facts as set forth in this Stipulation, and that all other facts, allegations and charges set forth in the Complaint on file herein, unless specifically incorporated into this Stipulation are withdrawn.

3. Respondents have been advised of his right to a public hearing on each and every allegation in this matter but hereby freely and voluntarily waives his right to a public hearing in this matter, on the condition that all provisions of this Stipulation be acceptable to and approved by the Real Estate Board.

4. Respondent Glen M. Witter (Witter), of 221 Stewart Avenue, Wausau, WI 54401, was at all time material to the complaint licensed as a Real Estate Broker, and has been so licensed under the provisions of Ch. 452, Wis. Stats., since April 18, 1979. Respondent was formerly licensed as Wausau Inc., and is also known as Glen Witter Realty.

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6. DILHR notified Respondents of the above, listed the four (4) properties involved, and requested a full explanation for use of the exclusion code used, Exhibit "A" letter dated February 22, 1988, to Respondent.

7. Respondents responded to DILHR by letter dated March 1, 1988, Exhibit "A1," and gave an explanation and promised compliance, in pertinent part. Respondents followed up to a telephone conversation with DILHR by letter dated March 25, 1988, Exhibit "A2," admitting his mistake, and provided that he anticipated bringing the subject properties into compliance by the end of April (1988).

8. Respondent failed to provide proof to DILHR that the properties were in compliance by May 23, 1988, Exhibit "A3," and Respondent was ordered to bring the buildings into compliance within sixty (60) days of his receipt of the letter although Respondent did ultimately comply with DILHR requirements.

9. By August 25, 1988, Respondent had still failed to bring the subject properties into compliance or provide proof of compliance, and the matter(s) were referred to DILHR's General Counsel, Howard Bernstein, Exhibit "A4."

10. Subsequently, Wisconsin's Department of Justice drafted or caused to have drafted and filed against Respondent, a Summons and Complaint dated November 28, 1988, Exhibits "A6-A7."

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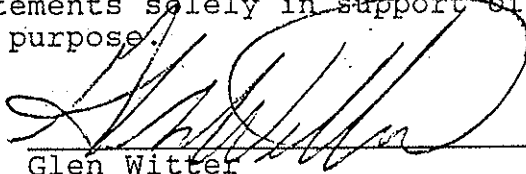
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to be done to bring them up to required standards, that they hired persons to bring the properties into compliance but, those persons never completed the work timely, with Respondents being dilatory in not informing DILHR of same. See Exhibits "B-B5," Certificates of Compliance, attached hereto reflecting compliance dates.

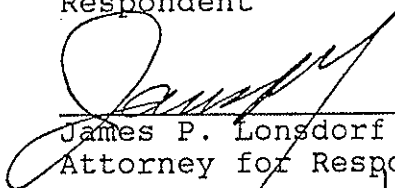
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9/27/90
Date

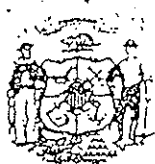

Glen Witter
Respondent

9/27/90
Date


James P. Lonsdorf
Attorney for Respondent

10/4/90
Date


Henry E. Sanders
Attorney for Complainant



State of Wisconsin \

Department of Industry, Labor and Human Relations

98

February 22, 1988

SAFETY & BUILDINGS DIVISION

Rental Weatherization Unit
P.O. Box 7971
Madison, WI 53707

Mr. Glen M. Witter
221 Stewart Avenue
Wausau, WI 54401

Dear Mr. Witter:

The Department of Industry, Labor and Human Relations has responsibility for administration and enforcement of the state's Rental Unit Energy Efficiency code under Section 101.122, State Statutes.

An audit of Real Estate Transfer Returns by the Department involving you as grantee has disclosed some irregularities. Since this law went into effect in 1985, you have purchased a number of rental properties and have used exclusion code W-10 to avoid bringing them into code compliance.

Real estate brokers may not use exclusion code W-10 for purchase of rental properties for their own portfolios. The exclusion is authorized solely for the purpose of facilitating sale of the property, and provided the sales contract stipulates that the property shall meet the rules if not sold within a year.


Our records indicate that you used exclusion code W-10 (or left the energy block blank) on purchase of the following rental properties since January 1, 1985:

527 North Fourth Avenue, Wausau (multi-unit);
404-06 Seventh Street, Wausau (8 unit);
Multi-unit purchased from Lou Ann D. Hoff on lot 12, Block 3,
Stewart and Alexander addition to Wausau;
618 Hamilton Street, Wausau (single unit).

It was also noted that you used exclusion code W-2 on transfer of 4002 Riverview Drive, Wausau, when recording the warranty deed. That code excludes rental property transferred prior to January 1, 1985 by land contract. However, the land contract was dated January 1, 1985 and recorded three (3) months later.

Please respond in writing within 10 days and provide a full explanation plus documentation to support the code exclusion you used on above transactions.

Sincerely,


Roger D. Schrader, Coordinator
Rental Weatherization Program
Telephone: 608/266-0671

RDS/dmw/2831W

Exhibit 'A'

SECURITY REALTY OF WAUSAU, INC.

221 Stewart Avenue
Wausau, WI 54401
(715) 842-2121

Real Estate

Security

March 1, 1988



Roger Schrader
Rental Weatherization Program
P.O. Box 7971
Madison, WI 53707

WAUSAU

Dear Mr. Schrader:

I am in receipt of your letter of February 22, 1988 alleging irregularities in my compliance with the Rental weatherization code and the use of exclusion W-10.

- 1) 4002 Riverview Dr. was purchased as my personal residence.
- 2) 527 N. 4th Ave was purchased for the purpose of assemblage, it is adjoining a commercial building site, and will be torn down.
- 3) 404-06 Seventh Street was just purchased from my mother, and is for sale.
- 4) 618 Hamilton is for sale, and will be brought into compliance.
- 5) lot 12 block 3 of Stewart and Alexander addition was originally bought to tear down for a parking lot, is now a rental, and will be brought into compliance.

Sincerely,

Glen M. Witter

GW/mac

RECEIVED

MAR - 3 1988

SAFETY & BUILDINGS

Exhibit "A1"

SECURITY REALTY OF WAUSAU, INC.
221 Stewar Avenue
Wausau, WI 54401
(715) 842-2121

Real Estate

99
Security

March 25, 1988



Roger Schrader, Coordinator
Rental Weatherization Program
DILHR
P.O. Box 7971-53707
Madison, WI 53707

Dear Mr. Schrader;

Pursuant to our telephone conversation, I have already ordered an energy audit on the properties you had listed in your letter dated February 22, 1988, with one exception.

The property at 4002 Riverview Dr. was purchased as my personal residence, and I occupied the property for almost two years.

I had misunderstood the use of the W-10 exclusion on the other properties, and although the properties are for sale, I now realize my mistake.

I anticipate having the buildings brought into compliance as necessary by the end of April.

I will forward to you copies of the certificates when they are obtained.

Sincerely,

Glen M. Witter

RECEIVED

MAR 28 1988

SAFETY & BUILDINGS

Exhibit "A2"



State of Wisconsin \

Department of Industry, Labor and Human Relations

SAFETY & BUILDINGS DIVISION

May 23, 1988

1461053
0-218
Rental Weatherization Unit
P.O. Box 7971
Madison, WI 53707

Mr. Glen M. Witter
Security Realty of Wausau, Inc.
221 Stewart Avenue
Wausau, WI 54401

Dear Mr. Witter:

This is in reference to Real Estate Transfer Returns you filed on several properties in the Wausau area. All involved improper use of exclusion code W-10.

The properties are listed as follows:

527 North Fourth Avenue, Wausau
404-06 Seventh Street, Wausau
618 Hamilton, Wausau
Lot 12, Block 3 of Stewart and Alexander Addition

In your letter of March 25, you promised to bring the units up to code by the end of April. None has been received to date.

Under authority contained in s. 101.122(2)(f), Wisconsin Statutes, DILHR hereby ORDERS the addressee to bring the above buildings into compliance with the Rental Unit Energy Efficiency Code within sixty days of receipt of this order. This order will be satisfied when DILHR receives a copy of a Certificate of Compliance on the above property from a state-certified rental energy efficiency inspector.

Sincerely,

Ergun I. Somersan, P.E., Chief
Local Program Services Section
Telephone: 608/266-5658

EIS/dmw/3244W

Exhibit "A3"

C O R R E S P O N D E N C E / M E M O R A N D U M STATE OF WISCONSIN

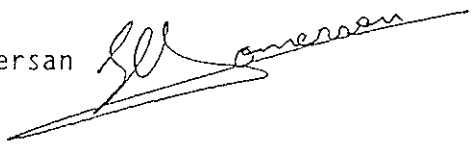
DATE: August 25, 1988

TO: Howard Bernstein

via William Norem
John Eagon

W.W.

FROM: Ergun I. Somersan



SUBJECT: Referral of Glen M. Witter to the Attorney General's Office for
Enforcement of Wisconsin Statute 101.122 (7)(b)

Please refer the enclosed case to the Attorney General's Office for
prosecution.

An audit of several Real Estate Transfer Returns listing Mr. Witter as grantee
disclosed his use of questionable exclusion codes. An inquiry was sent out to
the buyer. He responded by admitting his mistake and agreed to bring the
buildings into compliance. When he failed to do so, DILHR issued a 60 day
order on four of his buildings. He ignored the order.

Mr. Witter is a real estate broker who improperly used an exclusion code
(W-10) on Real Estate Transfer Returns even though the buildings he was
purchasing were for his own portfolio and, therefore, did not qualify for an
exclusion.

Attached are the following exhibits:

- a. Four questionable RE Transfer Returns;
- b. DILHR's letter of inquiry to Mr. Witter dated February 22, 1988;
- c. Mr. Witter's letter of explanation dated March 1, 1988;
- d. Mr. Witter's letter of March 25, 1988;
- e. DILHR's order to Mr. Witter dated May 23, 1988.

EIS:KJY:3692W

Exhibit "A4"

Tommy G. Thompson
Governor
John T. Coughlin
Secretary



Witter
Mailing Address:
201 E. Washington Avenue
Post Office Box 7946
Madison, WI 53707-7946
Telephone (608) 266-7552

State of Wisconsin
Department of Industry, Labor and Human Relations

October 18, 1988

Mr. James Jeffries, Administrator
Division of Legal Services
Department of Justice
123 W. Washington Avenue
Madison, WI 53703

Re: Enforcement Referrals Under Sec. 101.122,
Stats.
Glenn M. Witter and Jeanne A. Bernstein

Dear Mr. Jeffries:

I have enclosed DILHR files on enforcement orders issued to two rental weatherization inspectors licensed by DILHR. In each case, DILHR learned that the licensed inspector had committed violations of the rental weatherization law and issued an administrative order requiring the inspector to correct the violations. In each of the two cases, the inspector ignored our order and action is now required to obtain judicial enforcement and appropriate penalties.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Howard I. Bernstein'.

Howard I. Bernstein
General Counsel

clh

cc: William Norem
John Eagon
Ergun Somersan

Enclosures

RECEIVED

OCT 19 1988

SAFETY & BUILDINGS

Exhibit, "A5"



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

Witter
101

DONALD J. HARAWAY
ATTORNEY GENERAL

Mark E. Musolf
Deputy Attorney General

Division of Legal Services
James D. Jeffries, Administrator
123 West Washington Avenue
P.O. Box 7857
Madison, WI 53707-7857

Dewitt J. Strong
Assistant Attorney General
608/266-8063

November 29, 1988

Mr. Gerald G. Gertschen
Clerk of Circuit Court
Marathon County Courthouse
Post Office Box 726
Wausau, Wisconsin 54401-5568

Re: State of Wisconsin v. Glen M. Witter

Dear Mr. Gertschen:

I am enclosing for filing our original summons and complaint in the above-captioned matter. Also enclosed are three copies for authentication. Please return the copies to me, together with your statement of fees, at your earliest convenience. A stamped self-addressed envelope is enclosed.

Sincerely,

Dewitt J. Strong
Assistant Attorney General

DJS:drm

Enclosures

cc: Dan Murray J. EAGAN

RECEIVED

NOV 30 1988

SAFETY & BUILDINGS

Exhibit "A6"

STATE OF WISCONSIN

CIRCUIT COURT

MARATHON COUNTY

STATE OF WISCONSIN,

Plaintiff,

v.

Case No. _____

GLEN M. WITTER,

Defendant.

SUMMONS

THE STATE OF WISCONSIN

To each person named above as a defendant:

You are hereby notified that the plaintiff named above has filed a lawsuit or other legal action against you. The complaint, which is attached, states the nature and basis of the legal action.

Within 20 days of receiving this summons, you must respond with a written answer, as that term is used in chapter 802 of the Wisconsin Statutes, to the complaint. The court may reject or disregard an answer that does not follow the requirements of the statutes. The answer must be sent or delivered to the court, whose address is 500 Forest Street, Wausau, Wisconsin 54401-5568 and to Dewitt J. Strong, Assistant Attorney General, plaintiff's attorney, whose address is Post Office Box 7857, Madison, Wisconsin 53707-7857. You may have an attorney help or represent you.

If you do not provide a proper answer within 20 days, the court may grant judgment against you for the award of money or

EXHIBIT A7 21

other legal action requested in the complaint, and you may lose your right to object to anything that is or may be incorrect in the complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

Dated this 28 day of November, 1988.

DONALD J. HANAWAY
Attorney General

De Witt J. Strong

DEWITT J. STRONG
Assistant Attorney General

Attorneys for Plaintiff

Wisconsin Department of Justice
Post Office Box 7857
Madison, Wisconsin 53707-7857
(608) 266-8063

STATE OF WISCONSIN

CIRCUIT COURT

MARATHON COUNTY

STATE OF WISCONSIN,

Plaintiff,

v.

Case No. _____

GLEN M. WITTER,

Defendant.

COMPLAINT

NOW COMES the plaintiff, State of Wisconsin, by its attorneys, Donald J. Hanaway, Attorney General, and Dewitt J. Strong, Assistant Attorney General, who bring this action upon the request of the Department of Industry, Labor and Human Relations of Wisconsin, and complains of the defendant and for a cause of action, alleges and shows to the court as follows:

1. That the State of Wisconsin is one of the fifty sovereign states of the United States of America, with its seat of government located at Madison, Dane County, Wisconsin 53707-7857;

2. That the individual defendant has his offices at 221 Stewart Street, Wausau, Wisconsin 54401.

3. That the defendant at all times hereinafter mentioned, owned, operated, managed, controlled, directed or otherwise had an interest in four parcels of real estate in Wausau generally described as a) 527 North 4th Avenue; b) 404-06 7th Street; c) 618 Hamilton Street; d) Lot 12, Block 3, Stewart and Alexander addition, City of Wausau and was subject to and within the

meaning of the requirements of Wis. Admin. Code ch. ILHR 67 and rules or general orders of said Department, as hereinafter alleged;

4. That on or from July 23, 1988, the defendant operated, conducted, managed or directed said premises as above described and failed, neglected or refused to comply with and is in violation of Wis. Admin. Code ch. ILHR 67 and sec. 101.22(7), Stats., as follows: Defendant failed to bring the buildings described in paragraph 3 into compliance with the Rental Unit Efficiency Code (Wis. Admin. Code ch. ILHR 67) as ordered. See order attached as Ex. A hereto.

5. That since July 23, 1988 the defendant has wilfully failed to obey an order of the Wisconsin Department of Industry, Labor and Human Relations issued under secs. 101.01 to 101.25, Stats.

6. That the said defendant thereby became, pursuant to secs. 101.02(12) and (13), 101.22(7), 778.02, 778.03 and 778.06, Stats., indebted to the plaintiff in the amount of not less than \$10.00 per day nor more than \$100.00 per day for each day of violation plus \$500.00 per dwelling unit together with a penalty assessment of fifteen percent as provided by sec. 165.87(2), Stats.

WHEREFORE, the plaintiff, State of Wisconsin, prays for a judgment, order and decree of this court against the defendant as follows:

(1) That the defendant is indebted to the plaintiff in the sum of \$10.00 to \$100.00 per day for violation plus \$500.00 per rental unit on each alleged cause of action computed to the last violation date alleged in this complaint, together with an additional daily forfeiture for each alleged cause of action pursuant to sec. 101.02(12), Stats., as may be deemed appropriate herein, for the days following the date hereof until such date that violation has ceased, together with the costs and disbursements of this action;

(2) That the court enter its temporary restraining order to prevent the continued violation alleged in the complaint pending the disposition of the case, except the actual work thereon for the specific purpose to comply with the safety orders; or in the alternative, enter a mandatory injunction ordering the defendant to correct the violation alleged in the complaint;

(3) That the defendant be perpetually enjoined from operating, conducting, managing or directing said premises or activity as stated in paragraph 3 above, at any time that said premises or activity is not in full compliance with the provisions of the general orders or rules of the Department of Industry, Labor and Human Relations of Wisconsin, and statutory provisions as set forth above;

(4) That if the forfeiture, costs and disbursements are not paid as directed by the court, then the defendant, if an individual and not a corporation, be imprisoned in the county

104

jail for a period not to exceed six (6) months in accordance with
sec. 778.09, Stats.

Dated this 28 day of November, 1988.

DONALD J. HANAWAY
Attorney General

De Witt J. Strong

DEWITT J. STRONG
Assistant Attorney General

Attorneys for Plaintiff

Wisconsin Department of Justice
Post Office Box 7857
Madison, Wisconsin 53707-7857
(608) 266-8063



State of Wisconsin \

Department of Industry, Labor and Human Relations

SAFETY & BUILDINGS DIVISION

January 12, 1989

Rental Weatherization Unit
P.O. Box 7971
Madison, WI 53707

Mr. Cletus Hanson, Director
Dept. of Regulation & Licensing
Real Estate Board
Washington Square Bldg. Room 281
Madison, Wisconsin 53702

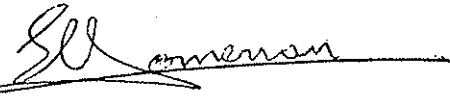
Dear Mr. Hanson:

Enclosed please find pertinent information from our files regarding the referral of Glenn M. Witter to the Department of Justice for enforcement of ss 101.122. We are accusing him of fraudulently claiming an exclusion from compliance with the weatherization rules.

As a real estate broker Mr. Witter should have been familiar with these rules. The October 1986 issue of our Regulatory Digest had an article on this matter. Further Mr. Witter admitted to his mistake but failed to remedy the matter.

We feel that this information may be helpful to your department in pursuing your objectives of investigating improper behavior by registered real estate brokers. Thank you for the opportunity. Please let us know if we can be of further assistance.

Sincerely,


Ergun I. Somersan, P.E., Chief
Local Program Services Section
Telephone: 608/266-5658

EIS/pay:4725W

cc: Howard I. Bernstein, DILHR Legal Counsel

William M. Norem, Administrator S & B

EXHIBIT 'A8'

Rental Unit Energy Efficiency Standards

This Instrument Was Drafted By:

Wisconsin Department of Industry
Labor and Human Relations
Division of Safety & Buildings
P.O. Box 7969
Madison, WI. 53707
(608) 266-3151

105

DILHR USE

Certificate of Compliance

Name of all Owners <u>Glen Witter</u>		Number of Dwelling Units <u>Two</u>	Recording Information (leave blank)
		Building Location, Street & No. <u>519 S. 3rd Ave.</u>	
Street & No. <u>502 Oriole</u>		City <u>Wausau</u> County <u>Marathon</u>	
500 S. 3rd Ave.		Manager or Agency	
City <u>Wausau,</u> State & Zip <u>WI. 54401</u>	Manager's Address		
Owner's Telephone Number <u>715 355-1960</u>		Manager's Telephone Number	
Has this unit ever been issued a Stipulation? <input type="checkbox"/> Yes <input type="checkbox"/> No	Stipulation No. <u>S -</u>		

Legal description of property:

Lot 12 and the North one (1) foot of Lot 11, Block 3, Stewart and Alexanders 2nd Addition to the City of Wausau, State of Wisconsin.

Certificate Instructions

This certificate is to be completed and signed by an inspector currently licensed by the Department of Industry, Labor and Human Relations for Rental Unit Energy Efficiency inspection. The original copy must be retained by the owner of the rental unit for use at time of transfer of ownership.

CERTIFICATE CHECKLIST			FAIL			PASS	EXEMPTION NUMBER*	N	A
			1	2	3				
Ceiling	R = <u>19.1</u>	Must add R =	<input checked="" type="checkbox"/>			<u>5-27-88</u>			
Box Sill	R = <u>0</u>	Must add R = <u>19</u>	<input checked="" type="checkbox"/>			<u>12-21-88</u>			
Side Wall	R = <u>7</u>	Must add R =				<u>5-27-88</u>	<u>Inaccessible</u>		
Floor	R = <u>—</u>	Must add R =				<u>5-27-88</u>			
Duct	R = <u>0</u>	Must add R = <u>5</u>	<input checked="" type="checkbox"/>			<u>12-21-88</u>			<input checked="" type="checkbox"/>
Steam Pipe	R = <u>N/A</u>	Must add R =				<u>5-27-88</u>			<input checked="" type="checkbox"/>
Heat Pipe	R = <u>N/A</u>	Must add R =				<u>5-27-88</u>			<input checked="" type="checkbox"/>
Attic Door	R = <u>0</u>	Must add R = <u>19</u>				<u>12-21-88</u>			<input checked="" type="checkbox"/>
Foundation	R = <u>0</u>	Must add R =				<u>5-27-88</u>			<input checked="" type="checkbox"/>
Windows			<input checked="" type="checkbox"/>			<u>12-21-88</u>			
Weatherstripping			<input checked="" type="checkbox"/>			<u>12-21-88</u>			
Caulking			<input checked="" type="checkbox"/>			<u>12-21-88</u>			
Storm Doors			<input checked="" type="checkbox"/>			<u>12-21-88</u>			
Attic & Crawl Space Ventilation						<u>5-27-88</u>			
Shower Flow Restrictor			<input checked="" type="checkbox"/>			<u>12-21-88</u>			
Air Conditioner Cover						<u>5-27-88</u>			<input checked="" type="checkbox"/>
Water Heater Insulation			<input checked="" type="checkbox"/>			<u>12-21-88</u>			
Space & Water Heater Inspection			<input checked="" type="checkbox"/>			<u>12-21-88</u>			

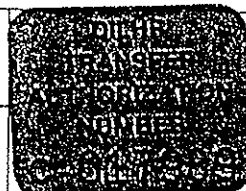
INSPECTION DATES	
1	<u>5-27-88</u>
2	<u>12-21-88</u>
3	
4	

Section 101.122, Wisconsin Statutes, requires that an Energy Efficiency Certificate, Stipulation or Waiver authorized by the Department of Industry Labor and Human Relations (DILHR) must accompany the documents of transfer at the time of document recordation. This process is defined in Chapter ILHR 67, Wisconsin Administrative Code. A Certificate is proof of compliance with the standards of ILHR 67.05. In lieu of the Certificate, the purchaser may accept responsibility for compliance with either a Stipulation or a Waiver in accordance with ILHR 67.08.

*DILHR Exemption Number indicates department acceptance.

CERTIFICATE OF COMPLIANCE

The rental unit described above is certified as meeting the minimum rental unit energy efficiency standards of ILHR 67. Each applicable item on the checklist complies with ILHR 67.05 or has been issued an exemption number.

Inspector Signature <u>Chris Hoffman</u>	Date Certified <u>12-21-88</u>	Certified Inspector Number <u>3482</u>	
This Certificate is valid for 5 years from the date of the inspector's signature above and is transferrable during that period.		DILHR Transfer Authorization Number: C- <u>017989</u>	

Rental Unit Energy
Efficiency Standards

This Instrument Was Drafted By:
Wisconsin Department of Industry,
Labor and Human Relations
Safety & Buildings Division
Rental Weatherization Program
P.O. Box 7971, Madison, WI 53707
(608) 266-0671

Certificate of Compliance

TYPE OR PRINT USING BLACK INK

Owner's Name(s): Glen Witter		Rental Building Location - Street Address: 527 N. 4th Ave.		Recording Information (Leave Blank)	
Street Address: 502 Oriole		City: Wausau		County: Marathon	
City: Wausau		State & Zip Code: WI. 54401		Number of Rental Buildings on Property: One	
Owner's Telephone Number (include area code): 715 355-1960		Has this unit ever been issued a Stipulation? <input type="checkbox"/> Yes <input type="checkbox"/> No		Total Number of Rental Units: Two	
				Stipulation No. S- _____	

Legal Description of Rental Unit Property (may attach separate sheet):

Commencing at the NE corner of Lot 8, South along the East line 8 feet being the Point of Beginning; thence South 52 feet, west 106.5 feet, North 60 feet, East 41.5 feet, thence Southeasterly to point of beginning, all in Block 3, Eva P. Quaws Addition to the City of Wausau, Marathon Co., WI.

Certificate Instructions

This certificate is to be completed and signed by an inspector currently licensed by the Department of Industry, Labor and Human Relations for Rental Unit Energy Efficiency inspection. The original copy must be retained by the owner of the rental unit for use at time of transfer of ownership. NOTICE TO INSPECTORS: Per ILHR 67.08(1), the yellow copy of this certificate must be promptly forwarded to the department upon rental unit certification.

CERTIFICATE CHECKLIST

REQUIREMENT	INSULATION LEVEL		Fail Dates	PASS DATE	DILHR Exemption Number (or Comments)	NOT	
	Initial	Final				Applicable	Accessible
1 Doors			X	12/23/88			
2 Windows			X	12/23/88			
3 Caulking			X	12/23/88			
4 Weatherstripping			X	12/23/88			
5 Box Sill	R = 0	R = 19	X	12/23/88			
6 Foundation and/or Crawl Space	R = 0	R = 0				X	
7 Forced Air Ducts	R =	R =			no ducts	X	
8 Steam Heating Pipes	R =	R =			no pipes	X	
9 Hydronic Heating Pipes	R =	R =			no pipes	X	
10 Water Heater Jacket			X	12/23/88			
11 Domestic Water Pipes	R = 0	R = 2	X	12/23/88			
12 Heating Equipment Insp.			X	12/23/88			
13 Shower Flow Restrictors			X	12/23/88	lower apt.		
14 Air Conditioner Covers					no a/c	X	
15 Side Walls	R = 2	R = 2					X
16 Access Panels and Doors	R = 0	R = 19	X	12/23/88			
17 Attic Insulation	R = 8	R = 38	X	12/23/88			
18 Moisture Control: Attic & Crawl			X	12/23/88			

* Indicate Basement "Exception" Letter Here (Per ILHR 67.05(1)(d)(2).)

INSPECTION DATES

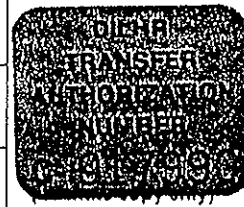
1	4/7/88
2	12/23/88
3	

Section 101.122, Wisconsin Statutes, requires that an Energy Efficiency Certificate, Stipulation or Waiver authorized by the Department of Industry, Labor and Human Relations (DILHR) must accompany the documents of transfer at the time of document recordation. This process is defined in Chapter ILHR 67, Wisconsin Administrative Code. A Certificate is proof of compliance with the standards of ILHR 67.05. In lieu of the Certificate, the purchaser may accept responsibility for compliance with either a Stipulation or a Waiver in accordance with ILHR 67.08.

CERTIFICATE OF COMPLIANCE

The rental unit described above is certified as meeting the minimum rental unit energy efficiency standards of ILHR 67. Each applicable item on the checklist complies with ILHR 67.05 or has been issued an exemption number. Certificate not valid unless signed and dated by the inspector.

Inspector's Name (Print) Clay Stebbins		Inspector's Telephone Number 715. 845-5363	Certified Inspector's Number 3482
Date Rental Unit Certified 12/23/88		This Certificate is valid for 5 years from the date of the Inspector's signature and is transferable during that period.	
Inspector Signature <i>Clay Stebbins</i>		DILHR Transfer Authorization Number: C- 0 1 7 9 9 0	



DILHR USE

Rental Unit Energy Efficiency Standards

This instrument Was Drafted By:

Wisconsin Department of Industry,
Labor and Human Relations
Safety & Buildings Division
Rental Weatherization Program
P.O. Box 7971, Madison, WI 53707
(608) 266-0671

TYPE OR PRINT USING BLACK INK

Certificate of Compliance

Owner's Name(s): Glen Witter		Rental Building Location - Street Address 618 Hamilton		Recording Information (Leave Blank) <div style="border: 1px solid black; border-radius: 50%; width: 40px; height: 40px; display: flex; align-items: center; justify-content: center;">106</div>	
Street Address: 502 Oriole		City: Wausau		County: Marathon	
City: Wausau		State & Zip Code: WI. 54401		Number of Rental Buildings on Property: 1	
Owner's Telephone Number (include area code): 715 355-1960		Has this unit ever been issued a Stipulation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Total Number of Rental Units: 2	
Stipulation No. S- _____					
Legal Description of Rental Unit Property (may attach separate sheet): Lot 5, Block 12, A. Warren Jr.'s 3rd Addition to the City of Wausau					

Certificate Instructions

This certificate is to be completed and signed by an inspector currently licensed by the Department of Industry, Labor and Human Relations for Rental Unit Energy Efficiency inspection. The original copy must be retained by the owner of the rental unit for use at time of transfer of ownership. NOTICE TO INSPECTORS: Per ILHR 67.08(1), the yellow copy of this certificate must be promptly forwarded to the department upon rental unit certification.

CERTIFICATE CHECKLIST

REQUIREMENT	INSULATION LEVEL		Fail Dates	PASS DATE	DILHR Exemption Number (or Comments)	NOT	
	Initial	Final				Applicable	Accessible
1 Doors			XX	1-7-89			
2 Windows			XX	1-7-89			
3 Caulking			XX	1-7-89			
4 Weatherstripping			XX	1-7-89			
5 Box Sill	R = 0	R = 19	XX	1-7-89			
6 Foundation and/or Crawl-Space	R = 0	R = 11	XX	1-7-89			
7 Forced Air Ducts	R = 0	R = 5	XXXX	1-14-88			
8 Steam Heating Pipes	R =	R =		4-7-88		X	
9 Hydronic Heating Pipes	R =	R =		4-7-88		X	
10 Water Heater Jacket			XX	1-7-89			
11 Domestic Water Pipes	R = 0	R = 2	XX	1-7-89			
12 Heating Equipment Insp.			XX	1-7-89			
13 Shower Flow Restrictors			XX	1-7-89			
14 Air Conditioner Covers				4-7-88			
15 Side Walls	R = ?	R = ?		4-7-88		X	
16 Access Panels and Doors	R = 0	R = 19	XX	1-7-89			X
17 Attic Insulation	R = 22	R = 22		4-7-88			
18 Moisture Control: Attic & Crawl			XX	1-7-89			

* Indicate Basement "Exception" Letter Here (Per ILHR 67.05(1)(d)(2.))

INSPECTION DATES

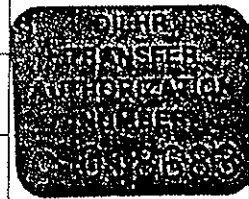
1	4-7-88
2	1-7-89
3	1-14-89

Section 101.122, Wisconsin Statutes, requires that an Energy Efficiency Certificate, Stipulation or Waiver authorized by the Department of Industry, Labor and Human Relations (DILHR) must accompany the documents of transfer at the time of document recordation. This process is defined in Chapter ILHR 67, Wisconsin Administrative Code. A Certificate is proof of compliance with the standards of ILHR 67.05. In lieu of the Certificate, the purchaser may accept responsibility for compliance with either a Stipulation or a Waiver in accordance with ILHR 67.08.

CERTIFICATE OF COMPLIANCE

The rental unit described above is certified as meeting the minimum rental unit energy efficiency standards of ILHR 67. Each applicable item on the checklist complies with ILHR 67.05 or has been issued an exemption number. Certificate not valid unless signed and dated by the Inspector.

Inspector's Name (Print) Clay Stebbins	Inspector's Telephone Number 715 845-5363	Certified Inspector's Number 3482
Date Rental Unit Certified 1-14-89		
<div style="display: flex; align-items: center;"> <div style="flex: 1;"> <p>Inspector Signature </p> </div> <div style="flex: 1;"> <p>This Certificate is valid for 5 years from the date of the Inspector's signature and is transferable during that period.</p> </div> </div>		
DILHR Transfer		Authorization Number: C- 018683



DILHR USE

Rental Unit Energy Efficiency Standards

This instrument Was Drafted By:

Wisconsin Department of Industry,
Labor and Human Relations
Safety & Buildings Division
Rental Weatherization Program
P.O. Box 7971, Madison, WI 53707
(608) 266-0671

Certificate of Compliance

TYPE OR PRINT USING BLACK INK

Owner's Name(s): Glen Witter		Rental Building Location - Street Address 406 7th St.		Recording Information (Leave Blank)	
Street Address: 502 Oriole		City: Wausau		County: Marathon	
City: Wausau		State & Zip Code: WI. 54401		Number of Rental Buildings on Property: 1	
Owner's Telephone Number (include area code): 715 355-1960		Has this unit ever been issued a Stipulation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Total Number of Rental Units: 4	
Legal Description of Rental Unit Property (may attach separate sheet): 33 feet of Lot 8, Block 12, Stewart Manson's & Parchers Addition to the City of Wausau					

Certificate Instructions

This certificate is to be completed and signed by an inspector currently licensed by the Department of Industry, Labor and Human Relations for Rental Unit Energy Efficiency inspection. The original copy must be retained by the owner of the rental unit for use at time of transfer of ownership. **NOTICE TO INSPECTORS: Per ILHR 67.08(1), the yellow copy of this certificate must be promptly forwarded to the department upon rental unit certification.**

CERTIFICATE CHECKLIST

REQUIREMENT	INSULATION LEVEL		Fail Dates	PASS DATE	DILHR Exemption Number (or Comments)	NOT	
	Initial	Final				Applicable	Accessible
1 Doors			XX				
2 Windows			XX				
3 Caulking			XX				
4 Weatherstripping			XX				
5 Box Sill	R = 0	R = 0		5-15-88	plastered		X
6 Foundation and/or Crawl-Space	R = 0	R = 0	XX		not required	* X	
7 Forced Air Ducts	R = 0	R = 5	XX	1-14-89			
8 Steam Heating Pipes	R =	R =		5-15-88		X	
9 Hydronic Heating Pipes	R =	R =		5-15-88		X	
10 Water Heater Jacket			XX	1-7-88			
11 Domestic Water Pipes	R = 0	R = 2	XX	1-7-88			
12 Heating Equipment Insp.			XX	1-7-88			
13 Shower Flow Restrictors				5-15-88		X	
14 Air Conditioner Covers				5-15-88		X	
15 Side Walls	R = ?	R = ?		5-15-88			X
16 Access Panels and Doors	R = 0	R = 19		1-7-89			
17 Attic Insulation	R = 19	R = 19		5-15-88			
18 Moisture Control: Attic & Crawl			XX	1-7-89			

* Indicate Basement "Exception" Letter Here (Per ILHR 67.05(1)(d)(2.))


INSPECTION DATES

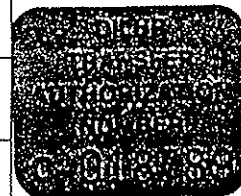
1	5-28-88
2	1-7-89
3	1-14-89

Section 101.122, Wisconsin Statutes, requires that an Energy Efficiency Certificate, Stipulation or Waiver authorized by the Department of Industry, Labor and Human Relations (DILHR) must accompany the documents of transfer at the time of document recordation. This process is defined in Chapter ILHR 67, Wisconsin Administrative Code. A Certificate is proof of compliance with the standards of ILHR 67.05. In lieu of the Certificate, the purchaser may accept responsibility for compliance with either a Stipulation or a Waiver in accordance with ILHR 67.08.

CERTIFICATE OF COMPLIANCE

The rental unit described above is certified as meeting the minimum rental unit energy efficiency standards of ILHR 67. Each applicable item on the checklist complies with ILHR 67.05 or has been issued an exemption number: Certificate not valid unless signed and dated by the inspector.

Inspector's Name (Print) Clay Stebbins	Inspector's Telephone Number 715 845-5363	Certified Inspector's Number 3482
Date Rental Unit Certified 1-14-89	This Certificate is valid for 5 years from the date of the Inspector's signature and is transferable during that period.	
Inspector Signature 	DILHR Transfer Authorization Number: C-018789	



DILHR USE

Rental Unit Energy Efficiency Standards

This instrument Was Drafted By:
Wisconsin Department of Industry,
Labor and Human Relations
Safety & Buildings Division
Rental Weatherization Program
P.O. Box 7971, Madison, WI 53707
(608) 266-0671

Certificate of Compliance

TYPE OR PRINT USING BLACK INK

Owner's Name(s): Glen Witter		Rental Building Location - Street Address 404 7th St.		Recording Information (Leave Blank) <div style="border: 1px solid black; border-radius: 50%; width: 40px; height: 40px; display: flex; align-items: center; justify-content: center;">107</div>	
Street Address: 502 Oriole		City: Wausau		County: Marathon	
City: Wausau		State & Zip Code: WI. 54401		Number of Rental Buildings on Property: 1	
Owner's Telephone Number (include area code): 715 355-1960		Has this unit ever been issued a Stipulation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Total Number of Rental Units: 2	
Legal Description of Rental Unit Property (may attach separate sheet): 31 feet of the South 82 feet of Lot 8, Block 12 Stewart, Manson's and Parchers Addition to the City of Wausau					

Certificate Instructions

This certificate is to be completed and signed by an inspector currently licensed by the Department of Industry, Labor and Human Relations for Rental Unit Energy Efficiency inspection. The original copy must be retained by the owner of the rental unit for use at time of transfer of ownership. NOTICE TO INSPECTORS: Per ILHR 67.08(1), the yellow copy of this certificate must be promptly forwarded to the department upon rental unit certification.

CERTIFICATE CHECKLIST							
REQUIREMENT	INSULATION LEVEL		Fail Dates	PASS DATE	DILHR Exemption Number (or Comments)	NOT	
	Initial	Final				Applicable	Accessible
1 Doors			X	1-7-89			
2 Windows			X	1-7-89			
3 Caulking			X	1-7-89			
4 Weatherstripping			X	1-7-89			
5 Box Sill	R =	R =	X	1-7-89			
6 Foundation and/or Crawl-Space	R =	R =	X	1-7-89	Change in code		
7 Forced Air Ducts	R = 0	R = 5	X X X	1-21-89			
8 Steam Heating Pipes	R =	R =		5-28-88		X	
9 Hydronic Heating Pipes	R =	R =		5-28-88		X	
10 Water Heater Jacket			X	1-7-89			
11 Domestic Water Pipes	R = 0	R = 2	X	1-7-89			
12 Heating Equipment Insp.			X	1-7-89			
13 Shower Flow Restrictors				5-28-88	None present	X	
14 Air Conditioner Covers				5-28-88	None	X	
15 Side Walls	R = ?	R = ?		5-28-88			X
16 Access Panels and Doors	R = 0	R = 19	X	1-7-89			
17 Attic Insulation	R = 19	R = 19+		5-28-88			
18 Moisture Control: Attic & Crawl			X	1-7-89			

* Indicate Basement "Exception" Letter Here (Per ILHR 67.05(1)(d)(2.))

INSPECTION DATES	
1	5-28-88
2	1-7-89
3	1-14-89
4	1-21-89

Section 101.122, Wisconsin Statutes, requires that an Energy Efficiency Certificate, Stipulation or Waiver authorized by the Department of Industry, Labor and Human Relations (DILHR) must accompany the documents of transfer at the time of document recordation. This process is defined in Chapter ILHR 67, Wisconsin Administrative Code. A Certificate is proof of compliance with the standards of ILHR 67.05. In lieu of the Certificate, the purchaser may accept responsibility for compliance with either a Stipulation or a Waiver in accordance with ILHR 67.08.

CERTIFICATE OF COMPLIANCE

The rental unit described above is certified as meeting the minimum rental unit energy efficiency standards of ILHR 67. Each applicable item on the checklist complies with ILHR 67.05 or has been issued an exemption number. Certificate not valid unless signed and dated by the inspector.

Inspector's Name (Print) Clay Stebbins	Inspector's Telephone Number 715 845-5363	Certified Inspector's Number 3482
Date Rental Unit Certified 1-21-89	This Certificate is valid for 5 years from the date of the Inspector's signature and is transferable during that period.	
Inspector Signature 	DILHR Transfer Authorization Number: C- 018790	

Rental Unit Energy Efficiency Standards

This instrument Was Drafted By:
Wisconsin Department of Industry,
Labor and Human Relations
Safety & Buildings Division
Rental Weatherization Program
P.O. Box 7971, Madison, WI 53707
(608) 266-0671

DILHR USE

Certificate of Compliance

TYPE OR PRINT USING BLACK INK

Owner's Name(s): Glen Witter		Rental Building Location - Street Address 630-632 Jefferson St. Wausau, WI.		Recording Information (Leave Blank)	
Street Address: 502 Oriole		City: Wausau		County: Marathon	
City: Wausau		State & Zip Code: WI. 54401		Number of Rental Buildings on Property: 1 Total Number of Rental Units: 2	
Owner's Telephone Number (include area code): 715 355-1960		Has this unit ever been issued a Stipulation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Stipulation No. S- _____	
Legal Description of Rental Unit Property (may attach separate sheet): 51' of Lot 8, Block 12, Stewart, Manson's and Parchers Addition to the City of Wausau					

Certificate Instructions

This certificate is to be completed and signed by an inspector currently licensed by the Department of Industry, Labor and Human Relations for Rental Unit Energy Efficiency inspection. The original copy must be retained by the owner of the rental unit for use at time of transfer of ownership. **NOTICE TO INSPECTORS:** Per ILHR 67.08(1), the yellow copy of this certificate must be promptly forwarded to the department upon rental unit certification.

CERTIFICATE CHECKLIST

REQUIREMENT	INSULATION LEVEL		Fail Dates	PASS DATE	DILHR Exemption Number (or Comments)	NOT	
	Initial	Final				Applicable	Accessible
1 Doors			X	1-7-89			
2 Windows			X	1-7-89			
3 Caulking			X	1-7-89			
4 Weatherstripping			X	1-7-89			
5 Box Sill	R = 0	R = 19	X X X	1-21-89			
6 Foundation and/or Crawl-Space	R = 0	R = 0	X		Change in code		
7 Forced Air Ducts	R = 0	R = 5	X X X	1-21-89			
8 Steam Heating Pipes	R =	R =		5-28-88		X	
9 Hydronic Heating Pipes	R =	R =		5-28-88		X	
10 Water Heater Jacket			X	1-7-89			
11 Domestic Water Pipes	R = 0	R = 2	X	1-7-89			
12 Heating Equipment Insp.			X	1-7-89			
13 Shower Flow Restrictors				5-28-88	None		
14 Air Conditioner Covers				5-28-88	None		
15 Side Walls	R = ?	R = ?		5-28-88			X
16 Access Panels and Doors	R = 0	R = 19	X	1-7-89			
17 Attic Insulation	R = 19+	R = 19+		5-28-88			
18 Moisture Control: Attic & Crawl			X	1-7-89			

* Indicate Basement "Exception" Letter Here (Per ILHR 67.05(1)(d)(2.))

INSPECTION DATES

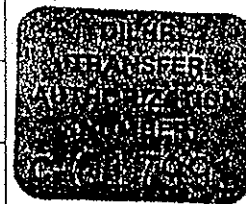
1	5-28-88
2	1-7-89
3	1-14-89
4	1-21-89

Section 101.122, Wisconsin Statutes, requires that an Energy Efficiency Certificate, Stipulation or Waiver authorized by the Department of Industry Labor and Human Relations (DILHR) must accompany the documents on transfer at the time of document recordation. This process is defined in Chapter ILHR 67, Wisconsin Administrative Code. A Certificate is proof of compliance with the standards of ILHR 67.05. In lieu of the Certificate, the purchase may accept responsibility for compliance with either a Stipulation or a Waiver in accordance with ILHR 67.08

CERTIFICATE OF COMPLIANCE

The rental unit described above is certified as meeting the minimum rental unit energy efficiency standards of ILHR 67. Each applicable item on the checklist complies with ILHR 67.05 or has been issued an exemption number. Certificate not valid unless signed and dated by the inspector.

Inspector's Name (Print) Clay Stebbins		Inspector's Telephone Number 715 845-5363	Certified Inspector's Number 3482
Date Rental Unit Certified 21 1-14-89		This Certificate is valid for 5 years from the date of the Inspector's signature and is transferable during that period.	
Inspector Signature <i>Clay Stebbins</i>		DILHR Transfer Authorization Number: C- 017991	



NOTICE OF APPEAL INFORMATION

(Notice of Rights for Rehearing or Judicial Review,
the times allowed for each and the identification
of the party to be named as respondent)

The following notice is served on you as part of the final decision:

1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with the State of Wisconsin Real Estate Board.

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon the State of Wisconsin Real Estate Board.

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: the State of Wisconsin Real Estate Board.

The date of mailing of this decision is December 11, 1990.

WLD:dms
886-490

227.49 Petitions for rehearing in contested cases. (1) A petition for rehearing shall not be a prerequisite for appeal or review. Any person aggrieved by a final order may, within 20 days after service of the order, file a written petition for rehearing which shall specify in detail the grounds for the relief sought and supporting authorities. An agency may order a rehearing on its own motion within 20 days after service of a final order. This subsection does not apply to s. 17.025 (3) (e). No agency is required to conduct more than one rehearing based on a petition for rehearing filed under this subsection in any contested case.

(2) The filing of a petition for rehearing shall not suspend or delay the effective date of the order, and the order shall take effect on the date fixed by the agency and shall continue in effect unless the petition is granted or until the order is superseded, modified, or set aside as provided by law.

(3) Rehearing will be granted only on the basis of:

(a) Some material error of law.

(b) Some material error of fact.

(c) The discovery of new evidence sufficiently strong to reverse or modify the order, and which could not have been previously discovered by due diligence.

(4) Copies of petitions for rehearing shall be served on all parties of record. Parties may file replies to the petition.

(5) The agency may order a rehearing or enter an order with reference to the petition without a hearing, and shall dispose of the petition within 30 days after it is filed. If the agency does not enter an order disposing of the petition within the 30-day period, the petition shall be deemed to have been denied as of the expiration of the 30-day period.

(6) Upon granting a rehearing, the agency shall set the matter for further proceedings as soon as practicable. Proceedings upon rehearing shall conform as nearly may be to the proceedings in an original hearing except as the agency may otherwise direct. If in the agency's judgment, after such rehearing it appears that the original decision, order or determination is in any respect unlawful or unreasonable, the agency may reverse, change, modify or suspend the same accordingly. Any decision, order or determination made after such rehearing reversing, changing, modifying or suspending the original determination shall have the same force and effect as an original decision, order or determination.

227.52 Judicial review; decisions reviewable. Administrative decisions which adversely affect the substantial interests of any person, whether by action or inaction, whether affirmative or negative in form, are subject to review as provided in this chapter, except for the decisions of the department of revenue other than decisions relating to alcohol beverage permits issued under ch. 125, decisions of the department of employee trust funds, the commissioner of banking, the commissioner of credit unions, the commissioner of savings and loan, the board of state canvassers and those decisions of the department of industry, labor and human relations which are subject to review, prior to any judicial review, by the labor and industry review commission, and except as otherwise provided by law.

227.53 Parties and proceedings for review. (1) Except as otherwise specifically provided by law, any person aggrieved by a decision specified in s. 227.52 shall be entitled to judicial review thereof as provided in this chapter.

(a) Proceedings for review shall be instituted by serving a petition therefor personally or by certified mail upon the agency or one of its officials, and filing the petition in the office of the clerk of the circuit court for the county where the judicial review proceedings are to be held. Unless a rehearing is requested under s. 227.49, petitions for review under this paragraph shall be served and filed within 30 days after the service of the decision of the agency upon all parties under s. 227.48. If a rehearing is requested under s. 227.49, any party desiring judicial review shall serve and file a petition for

disposing of the application for rehearing, or within 30 days after the final disposition by operation of law of any such application for rehearing. The 30-day period for serving and filing a petition under this paragraph commences on the day after personal service or mailing of the decision by the agency. If the petitioner is a resident, the proceedings shall be held in the circuit court for the county where the petitioner resides, except that if the petitioner is an agency, the proceedings shall be in the circuit court for the county where the respondent resides and except as provided in ss. 77.59 (6) (b), 182.70 (6) and 182.71 (5) (g). The proceedings shall be in the circuit court for Dane county if the petitioner is a nonresident. If all parties stipulate and the court to which the parties desire to transfer the proceedings agrees, the proceedings may be held in the county designated by the parties. If 2 or more petitions for review of the same decision are filed in different counties, the circuit judge for the county in which a petition for review of the decision was first filed shall determine the venue for judicial review of the decision, and shall order transfer or consolidation where appropriate.

(b) The petition shall state the nature of the petitioner's interest, the facts showing that petitioner is a person aggrieved by the decision, and the grounds specified in s. 227.57 upon which petitioner contends that the decision should be reversed or modified. The petition may be amended, by leave of court, though the time for serving the same has expired. The petition shall be entitled in the name of the person serving it as petitioner and the name of the agency whose decision is sought to be reviewed as respondent, except that in petitions for review of decisions of the following agencies, the latter agency specified shall be the named respondent:

1. The tax appeals commission, the department of revenue.

2. The banking review board or the consumer credit review board, the commissioner of banking.

3. The credit union review board, the commissioner of credit unions.

4. The savings and loan review board, the commissioner of savings and loan, except if the petitioner is the commissioner of savings and loan, the prevailing parties before the savings and loan review board shall be the named respondents.

(c) Copies of the petition shall be served, personally or by certified mail, or, when service is timely admitted in writing, by first class mail, not later than 30 days after the institution of the proceeding, upon all parties who appeared before the agency in the proceeding in which the order sought to be reviewed was made.

(d) The agency (except in the case of the tax appeals commission and the banking review board, the consumer credit review board, the credit union review board, and the savings and loan review board) and all parties to the proceeding before it, shall have the right to participate in the proceedings for review. The court may permit other interested persons to intervene. Any person petitioning the court to intervene shall serve a copy of the petition on each party who appeared before the agency and any additional parties to the judicial review at least 5 days prior to the date set for hearing on the petition.

(2) Every person served with the petition for review as provided in this section and who desires to participate in the proceedings for review thereby instituted shall serve upon the petitioner, within 20 days after service of the petition upon such person, a notice of appearance clearly stating the person's position with reference to each material allegation in the petition and to the affirmance, vacation or modification of the order or decision under review. Such notice, other than by the named respondent, shall also be served on the named respondent and the attorney general, and shall be filed, together with proof of required service thereof, with the clerk of the reviewing court within 10 days after such service. Service of all subsequent papers or notices in such proceeding need be made only upon the petitioner and such other persons as have served and filed the notice as provided in this subsection or have been permitted to intervene in said proceeding, as parties thereto, by order of the reviewing court.



PDF: LS9006252REB-19901206

Order Dates:
DEC 06, 1990

Respondent Names:
WITTER, GLEN M.

Complaint IDs:
89REB085

Profession:
REAL ESTATE BROKER

Boards:
REB

Short Description:
REPRIMANDED

Case Summary:
DILHR ALLEGED THAT RESPONDENT HAD IMPROPERLY USED AN EXCLUSION CODE (W-10), OR LEFT THE CODE SPACE BLANK, SINCE JANUARY 1, 1985. RESPONDENT FAILED TO PROVIDE PROOF TO DILHR THAT THE PROPERTIES WERE IN COMPLIANCE BY MAY 23, 1988, AND WAS ORDERED TO BRING THE BUILDINGS INTO COMPLIANCE WITHIN 60 DAYS OF HIS RECEIPT OF THE LETTER. BY AUGUST 25, 1988 STILL FAILED TO BRING PROPERTIES INTO COMPLIANCE.

